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Subject

From Seward Pheonix Log

EPA explains how mines are permitted

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With any processing of permit applications for the proposed Pebble Mine is still months away, residents of the Bristol Bay region are making an increased effort to educate themselves on how the process works and what role they can play in it.

And that role is an important one, particularly in the case of tribal groups, says Patty McGrath, Region 10 mining coordinator for the U.S. Environmental Protection Agency in Seattle.

"Tribes have an enhanced role in that they can request a government to government consultation with the U.S. Army Corps of Engineers," McGrath said, in an interview.

EPA officials said they would spend a day in Dillingham and Newhalen sharing information about their regulatory roles in the mining permitting process.

The meetings were originally scheduled for Aug. 11 and 12, but those dates were canceled following the plane crash near Dillingham that killed former U.S. Sen. Ted Stevens and others.

"A tribe as a cooperating agency has a strong voice," she said. "They help to develop the environmental impact statement."

Any impact evaluation document must comply with the National Environmental Policy Act, signed into law in January 1970, which establishes national environmental policy and goals for the protection, maintenance and enhancement of the environment, and a process to implement these goals within federal agencies.

NEPA requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach, known as the environmental impact statement process.

The EPA, like other federal agencies, prepares and reviews NEPA documents. However, EPA has a unique responsibility in the NEPA process, to review and publicly comment on the environmental impacts of major federal actions which are the subject of EISs.

"We don't have a role in writing a permit," McGrath said. "Our role would be to oversee the state of Alaska" (writing permits), she said. She can evaluate concerns and try to resolve concerns. If the concerns are not resolved, we could end up writing the permit, but those concerns would have to be significant regarding potential environmental impact, she said.

EPA likewise has oversight over the 404 permits written by the Corps of Engineers, she said. Section 404 of the federal Clean Water Act establishes a program that regulates discharge of dredged and fill materials into federal waters, including wetlands.

Responsibility for Section 404 is shared by the Corps and EPA.

The Corps administers the day-to-day program, including individual permit decisions and jurisdictional determinations, develops policy guidance and enforces those Section 404 provisions. EPA's role is to develop and interpret environmental criteria used in evaluating permit applications, to identify activities that are exempt from permitting and review and comment on individual permit applications. After decisions, EPA has the power to veto permit decisions made by the Corps.

McGrath noted that while the EPA has been permitting mines since statehood, the large mine process evolved with the Fort Knox gold mine about 1990.

"And it has worked well," she said, referring to Fort Knox, Red Dog, Pogo, Greens Creek and the Usibelli mines.

The National Academy of Sciences did a study on federal permitting of hardrock mines in the US in 1990 and concluded that the combination of state and federal laws and regulations are doing a decent job of regulating mines, she said. If there is a state study done on permitting, reference to the \$750,000 study authorized by the Legislature, "We are looking forward to seeing what it has to say," she said.

During formal public comment periods, groups and individuals may comment at public meetings, by e-mail or in letters addressed to the permitting agency.

All comments on a draft EIS are considered and revisions may be made based on those comments, she said.

Ed Fogels, director of project management and permitting for the Alaska Department of Natural Resources, described the state's role in the permitting process as one that dovetails the federal process, as a federal-state team, with the EIS as the driver.

Both the Kensington and Pogo mines took over three years (for the EIS to be completed) and they are relatively small mines compared

Pebble," Fogels said. To complete the EIS for Pebble will take at least three years, and likely longer, he said.

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